

FILED
JAMES BONINI
CLERK

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

2009 MAR 30 PM 2: 58

UNITED STATES OF AMERICA
Plaintiff

Case No. CR-3-00-019

U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WESTERN DIV DAYTON

v.
WALTER M. MAKEN
Defendant

Request for a court order

I, Walt Maken, hereby make this Request for a court order to halt the offset process against my social security funds and return amount(s) already offset, as more fully elaborated upon in the Memorandum section that follows.

Thank you,



Walt Maken
P.O. Box 750331
Dayton, Ohio 45475
WaltMaken@gmail.com
937-660-3781

Memorandum

1. On Friday, September 12, 2009, I met with Mike Louderback, IRS agent, (937-610-2173) concerning the amounts owed to the IRS as a result of the court order issued at the time of my sentencing on October 18, 2005. Based on our discussion and the financial statement of expenses and money coming in from social security, Mike determined that the amounts owed were uncollectible. See Exhibit A which is a copy of Mike's confirming letter to me dated January 13, 2009.

2. On Monday, March 16, 2009, I received a notice from the DEPARTMENT OF THE TREASURY FINANCIAL MANAGEMENT SERVICE dated "03/18/09". The notice was sent to the address I'm temporarily staying at, rather than to my P.O. Box. See Exhibit B for a copy of that notice.

3. Among other things, Exhibit B states that: "The Agency has previously sent notice to you at the last address known to the Agency." Since I had no memory of having received such "previously sent notice" and was unable to locate such a notice in my records, on Wednesday morning, March 17, 2009, at 2:41 AM, I sent an email to Attorney Vince Popp, and asked if he

would check into the matter. At 2:25 PM on March 17, 2009, Vince sent me an email response in which he suggested, because of his already busy schedule, that I call the FINANCIAL LITIGATION UNIT and speak to them directly for an explanation.

4. On Wednesday, March 18, 2009, at 12:50 PM, I called the 614-469-5715 number given on the notice and spoke with a Miss Turner about the matter. She indicated that it was about collecting money that was owed to the IRS because of the court order that was issued at the time of my sentencing in October, 2005, and that she would send me a copy of the notice I hadn't yet seen. I mentioned to her that the IRS had determined that the amounts owed because of that court order were deemed as uncollectible and that I could send her a letter confirming that determination if that would be of help. Miss Turner indicated that even though the IRS had determined such amounts to be uncollectible, her office would only stop such withholding from my social security funds if they received a court order to that effect. She also requested that I send her a copy of any request I made for such a court order. Hence, you'll see her name and address in the Certificate of Service portion of this Request.

5. On Sunday, March 22, 2009, I checked my P.O. Box for mail, and found, among other things, a letter from Miss Turner, as well as a copy of the notice that I had previously not seen because it was sent to the address I was at before going to prison in October, 2005. Attached and collectively marked as Exhibit C, are copies of that letter and notice.

6. Based on consideration of the above, I request that a court order be issued that would have the effect of halting any further withholding from my social security funds, as well as directing that the amount withheld on March 18, 2009, \$287.25, as well as any additional amounts that may end up being withheld before such court order takes effect, be returned to me.

Thank you,



Walt Maken

Certificate of Service

I, Walt Maken, certify that after filing this Request, I will mail, via regular first class mail, a date-stamped copy of this Request and its attachments, to: Cloteal Turner, Legal Technician; Financial Litigation Unit; United States Attorneys Office; Southern District of Ohio; 303 Marconi Boulevard, Suite 200; Columbus, Ohio 43215-2401, as she requested.



Walt Maken

Exhibit A
CR-3 00-019
Monday, March 30, 2009

Department of the Treasury
Internal Revenue Service
200 W. Second St., Room 410

Dayton, OH 45402

Date: **January 13, 2009**

Re: **Uncollectible determination**

Walt Maken
P.O. Box 750331
Dayton, OH 45475

Dear Walt:

As per our telephone conversation this day, I am providing you this letter to be used as a means of communication with the State of Ohio to satisfy their request from you pertaining to your balances with the IRS.

You submitted a financial statement to me on 9/12/2008 from which it was determined your income was not sufficient to make payments on the IRS balances of record. As such, your account was deemed to be uncollectible at that particular point in time.

Please be advised I cannot discuss your account with anyone other than you unless you authorize another person to be your power of attorney and then only if you provide a written request for the same on IRS form 2848.

Please call should you have any questions.

Telephone Number
937-610-2173

Best Time to Call:
8 to 4



Mike Louderback
Revenue Officer
Employee Number: **31-07051**

Exhibit B
CR-3-00-019
Monday, March 30, 2009



DEPARTMENT OF THE TREASURY
 FINANCIAL MANAGEMENT SERVICE
 P.O. BOX 1686
 BIRMINGHAM, ALABAMA 35201-1686

THIS IS NOT A BILL - PLEASE RETAIN FOR YOUR RECORDS

03/18/09

WALT MAKEN
 1101 AGATE TRAIL
 CENTERVILLE, OH 45459

Dear WALT MAKEN:

As authorized by Federal law, we applied all or part of your Federal payment to a debt you owe. The government agency (or agencies) collecting your debt is listed below.

U.S. ATTORNEY OHIO - SOUTHERN
 ATTN: FINANCIAL LITIGATION UNIT
 SUITE 200
 COLUMBUS OH43215

TIN Num: 299-36-4827
 TOP Trace Num: P55023559
 Acct Num: OHS 2006A26669001
 Amount This Creditor: \$287.25
 Creditor: 09 Site: 00

614) 469-5715 (800) 255-3545
 PURPOSE: Non-Tax Federal Debt

The Agency has previously sent notice to you at the last address known to the Agency. That notice explained the amount and type of debt you owe, the rights available to you, and that the Agency intended to collect the debt by intercepting any Federal payments made to you, including tax refunds. If you believe your payment was reduced in error or if you have questions about this debt, you must contact the Agency at the address and telephone number shown above. The U. S. Department of the Treasury's Financial Management Service cannot resolve issues regarding debts with other agencies.

We will forward the money taken from your Federal payment to the Agency to be applied to your debt balance; however, the Agency may not receive the funds for several weeks after the payment date. If you intend to contact the Agency, please have this notice available. Please do not contact the Social Security Administration regarding this reduction made in your Federal payment.

U. S. Department of the Treasury
 Financial Management Service
 (800) 304-3107
 TELECOMMUNICATIONS DEVICE FOR THE DEAF (TDD) (866) 297-0517

PAYMENT SUMMARY

PAYEE NAME: WALT MAKEN
 PAYMENT BEFORE REDUCTION: \$1915.00
 TOTAL AMOUNT OF THIS REDUCTION: \$287.25
 PAYING FEDERAL AGENCY: Social Security Administration
 CLAIM ACCT NUM: 299364827 A

PAYEE TIN: 299364827
 PAYMENT DATE: 03/18/09
 PAYMENT TYPE: EFT
 BENEFICIARY TIN: 299364827

FOR OFFICIAL USE ONLY: 0000004430 P550235592993648270071790733SALTR-P01 WALT004434
 RL1207



Exhibit C
CR-3-00-019
Monday, March 30, 2009



U.S. Department of Justice

United States Attorney
Southern District of Ohio

303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215-2401

(614) 469-5715
FAX (614) 469-5240

March 18, 2009

Walter M. Maken
P.O. Box 750331
Dayton, OH 45475

RE: U.S.A. vs. Walter M. Maken
Case No: CR-3-00-019

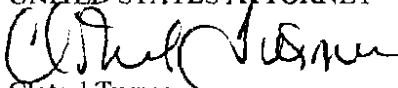
Dear Mr. Maken:

Enclosed please find a copy of the our Notice of Intent to Offset which was sent to you on November 4, 2008 to the address we had on file for you.

Should you have any questions regarding this document or this matter, please feel free to contact me at (614) 469-5715.

Very truly yours,

GREGORY G. LOCKHART
UNITED STATES ATTORNEY


Cloteal Turner
Legal Technician
Financial Litigation Unit

Enclosure
cjt

U.S. DEPARTMENT OF JUSTICE

Ohio-Southern
Southern District of Ohio
393 Marconi Blvd. - Suite 200
Columbus, OH 43215

For inquiries regarding debt call: 614-469-5715

Walter M. Maken
1717 Big Hill Road
Dayton, OH 45439

**U.S. DEPARTMENT OF JUSTICE
ADMINISTRATIVE OFFSET NOTICE**

This communication is from the United States Department of Justice. All correspondence on this debt should be sent to the representative of the United States at the address to the left above.

DATE OF NOTICE	11/04/2008
ACCOUNT NUMBER	2006A26669/001
Court Number	CR-3-00-019
BALANCE DUE	27,622.96

NOTICE OF INTENT TO OFFSET

This office is responsible for collecting a debt you owe as a result of a judgment in favor of the United States. This debt may include additional costs, interest, penalties, and a surcharge which are not reflected in the amount shown above. A United States District Court entered a judgment against you and established the amount due. The District Court judgment is a final decision that you owe this debt to the United States.

We strongly urge you to pay this debt immediately. Make your payment payable to the Clerk of Court. Please include your court number on your payment.

If you do not pay your debt, Federal law allows agencies to refer debts to the United States Department of the Treasury for the purpose of collecting debts through the Treasury Offset Program. Under this program, the Department of the Treasury will reduce or withhold any of your eligible Federal payments (see list of federal payments eligible for offset on the back of this notice) by the amount of your debt. This "offset" process is authorized by the Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of 1996, and the Internal Revenue Code. Under these statutes, prior to referring a debt for offset, a federal agency must: (1) notify the debtor who is responsible for the debt that the agency plans to refer the debt to the Department of the Treasury for the offset of any pending federal payments; (2) determine that the debt is past-due and legally enforceable after providing the debtor at least 60 days in which to present evidence to the contrary; and (3) make reasonable efforts to collect the debt. The purpose of this notice is to meet these requirements.

To avoid referral of your debt to the Treasury Offset Program, within 60 calendar days from the date of this notice you must: (1) pay your debt in full; or (2) enter into a repayment agreement; or (3) present evidence that all or part of the criminal or

(Continued on Back)

Please detach and enclose bottom portion with payment

Payment must be received by the PAYMENT DUE BY date in order for your payment to be applied before the next billing cycle.

Account Number	2006A26669/001
Name	Walter M. Maken
Court Number	CR-3-00-019
Payment Due Date	Immediately
Total Amount Due	\$27,622.96
Amount Enclosed	

Administrative Offset Notice

Please mail payments to:
US Clerk of Court, 702 Federal Building
200 West Second Street, Room 712
Dayton, OH 45402

Address Correction, please note below:

78140-17